

Marian F. Harrison
Marian F. Harrison
US Bankruptcy Judge



Dated: 01/06/10

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)
)
COMMISSARY OPERATIONS, INC.,) **CASE NO. 308-06279**
) **CHAPTER 11**
)
Debtor.)
) **JUDGE MARIAN F. HARRISON**
)
COMMISSARY OPERATIONS, INC.,)
)
)
Plaintiff,)
)
)
v.)
)
DOT FOODS, INC.,) **Adv. Pro. No.: 309-00280A**
SUGAR FOODS CORPORATION,) **Adv. Pro. No.: 309-00282A**
ARCOBASSO FOODS, INC.,) **Adv. Pro. No.: 309-00287A**
NEW CITY PACKING COMPANY,) **Adv. Pro. No.: 309-00290A**
INC.,)
SCA TISSUE NORTH AMERICA, LLC,) **Adv. Pro. No.: 309-00295A**
H.J. HEINZ COMPANY, L.P.,) **Adv. Pro. No.: 309-00297A**
GEORGIA PACIFIC CONSUMER) **Adv. Pro. No.: 309-00300A**
PRODUCTS, LP, ET AL,)
ECOLAB, INC.,) **Adv. Pro. No.: 309-00301A**
CONAGRA FOODS, INC., ET AL,) **Adv. Pro. No.: 309-00303A**
NATIONAL STEAK PROCESSORS,)
INC., d/b/a NATIONAL STEAK AND)
POULTRY,) **Adv. Pro. No.: 309-00306A**
ALLEN'S, INC.,) **Adv. Pro. No.: 309-00309A**
ROCKY MOUNTAIN NATURAL)
MEATS, INC.,) **Adv. Pro. No.: 309-00315A**
SUPERIOR DAIRY, INC., and) **Adv. Pro. No.: 309-00327A**
RYDER TRUCK RENTAL, INC.,) **Adv. Pro. No.: 309-00332A**
)
Defendants.)

ORDER

In accordance with the Memorandum Opinion entered contemporaneously with this Order, the debtor's motions for declaratory judgment are **DENIED**, the defendants' objections to the debtor's motions are **SUSTAINED**, and the defendants' motions for partial summary judgment are **GRANTED**. Specifically, deliveries entitled to 11 U.S.C. § 503(b)(9) claim status are not disqualified from constituting new value for purposes of 11 U.S.C. §§ 547(a)(2) and 547(c)(4), as a matter of law.

IT IS SO ORDERED.

**This Order was signed and entered electronically as indicated
at the top of the first page.**

2 - U.S. Bankruptcy Court, M.D. Tenn.

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.